TOWN AND COUNTRY PLANNING ACTS
TOWN AND COUNTRY PLANNING (DEVELOPMENT MANAGEMENT PROCEDURE) (ENGLAND) ORDER 2015

Application: EDC/19/0203

NOTIFICATION OF REFUSAL OF PERMISSION FOR CHANGE OF USE

To: **Mr Abdul Mumtaz**
C/O Mr Fergus Sykes
First Floor
South Wing
Equinox North
Great Park Road
Almondsbury
Bristol
BS32 4QL

TAKE NOTICE that the **EBBSFLEET DEVELOPMENT CORPORATION**, the Local Planning Authority under the Town and Country Planning Acts, has **REFUSED PERMISSION** for development of land situate

at **The George And Dragon**
London Road
Swanscombe
Kent
DA10 0LQ

and being **Change of use from Public House (Use Class A4) to Pizza Delivery and Takeaway (Use Class A5) and installation of ancillary equipment including extraction duct.**
Your application dated 20th April 2020 is refused on the following grounds:-

1. The proposal would result in loss of a community facility for non-community purposes, contrary to policy DP21 of the Dartford Development Policies Plan July 2017. Sufficient evidence has not been provided within the application to demonstrate that the facility is shown not to be needed by the community nor that reasonable efforts have been made to preserve a community use, including exploration of appropriate solutions to retain the facility with operators/ service providers and where appropriate the local community.

2. The proposal would provide a hot food takeaway (Use Class A5) in an inappropriate location outside of a designated centre identified in the development plan, contrary to policies DP14 and DP19 of the Dartford Development Policies Plan July 2017 and paragraph 85 of the National Planning Policy Framework. Insufficient information has been provided to demonstrate that the sequential test has been met and that it would not cause harm to the long-term vitality and viability of a designated centre, nor has an adequate justification been provided for the proposed Class A5 use in a location to which development plan policy identifies as inappropriate.

3. The proposal has not demonstrated that adequate provision for customer parking could be provided at the site in addition to staff parking. This would likely result in unacceptable adverse impacts upon the transport and access conditions within the surrounding area, unacceptable increases to on-street parking, and give rise to noise and disturbance impacting residential amenity in the immediate area, contrary to policies DP3, DP4, DP5 and DP19 of the Dartford Development Policies Plan July 2017.

INFORMATIVES :-

1 Statement of Positive and Creative Approach to Decision-Making
In accordance with Article 35(2) of the Town and Country Planning (Development Management Procedure)(England) Order 2015 and paragraph 38 of the National Planning Policy Framework Ebbsfleet Development Corporation, as local planning authority, has approached the assessment and determination of this application in a positive and creative manner.

This has involved proactive discussions at pre-application and planning application stage to discuss the principles of the proposal and to provide additional information to support assessment of the application. The application was also determined within the relevant timescales.

Signed: Mark Pullin **Dated:** 15 June 2020

Chief Planning Officer
Ebbsfleet Development Corporation
North Kent Police Station, Thames Way, Northfleet, Kent DA11 8BD

Your attention is drawn to the notes below

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NOTIFICATION TO APPLICANT

APPEALS TO THE SECRETARY OF STATE

- If you are aggrieved by the decision of your Local Planning Authority to refuse permission for the proposed development or to grant it subject to conditions, then you can appeal to the Secretary of State under Section 78 of the Town and Country Planning Act 1990.

- If this is a **householder application*** which has been refused and you want to appeal against your Local Planning Authority's decision then you must do so within **12 weeks of the date of this notice**.

- For **all other applications**, refused or permitted, if you want to appeal against your Local Planning Authority's decision then you must do so within **6 months of the date of this notice**.

- **Appeals must be made using a form which you can obtain from the Planning Inspectorate at Temple Quay House, 2 The Square, Temple Quay, Bristol BS1 6PN; telephone: 0303 444 5000; email: enquiries@pins.gsi.gov.uk or online at www.planningportal.gov.uk/pcs.**
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- The Secretary of State can allow a longer period for giving notice of an appeal, but he will not normally be prepared to use this power unless there are special circumstances which excuse the delay in giving notice of appeal.

- The Secretary of State need not consider an appeal if it seems to him that the Local Planning Authority could not have granted planning permission for the proposed development or could not have granted it without the conditions they imposed, having regard to the statutory requirements, to the provisions of any development order and to any directions given under a development order.

- In practice, the Secretary of State does not refuse to consider appeals solely because the Local Planning Authority based their decision on a direction given by him.

***Householder applications**

These are:

(a) applications for planning permission for development of an existing dwellinghouse, or development within the curtilage of such a dwellinghouse for any purpose incidental to the enjoyment of the dwellinghouse, or

(b) an application for any consent, agreement or approval required by or under a planning permission, development order or local development order in relation to such development

but does **not** include –

(i) an application for change of use;
(ii) an application to change the number of dwellings in a building.

PURCHASE NOTICES

- If either the Local Planning Authority or the Secretary of State for the Environment refuses permission to develop land or grants it subject to conditions, the owner may claim that he/she can neither put the land to a reasonably beneficial use in its existing state nor can he/she render the land capable of a reasonably beneficial use by the carrying out of any development which has been or would be permitted.

- In these circumstances, the owner may serve a purchase notice on the Ebbsfleet Development Corporation in whose area the land is situated. This notice will require the Corporation to purchase his interest in the land in accordance with the provisions of Part VI of the Town and Country Planning Act 1990.

COMPENSATION

- In certain circumstances compensation may be claimed from the Local Planning Authority if permission is refused or granted subject to conditions by the Secretary of State on appeal or on reference of the application to him.

- These circumstances are set out in Sections 114 and related provisions of the Town and Country Planning Act 1990.

F:plan/Development Control/Admin Support/Official Backing of Decision Notices 2010